

1 EDMUND G. BROWN JR.
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 CHAR SACHSON
Deputy Attorney General
4 State Bar No. 161032
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5558
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2010-593

13 **GRETCHEN KAY KNOWLES,**
14 **A.K.A. Gretchen Kay Gaughen,**
15 **A.K.A. Gretchen Kay Randazzo**
16 **337 1/2 Reservation Road**
17 **Marina, CA 93933**

A C C U S A T I O N

18 **Registered Nurse license No. 390767**

Respondent.

19 Complainant alleges:

PARTIES

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about August 31, 1985, the Board of Registered Nursing issued Registered
24 Nurse license Number 390767 to Gretchen Kay Knowles (Respondent). The Registered Nurse
25 license was in full force and effect at all times relevant to the charges brought herein and will
26 expire on August 31, 2011, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of

1 Consumer Affairs, under the authority of the following laws. All section references are to the
2 Business and Professions Code unless otherwise indicated.

3 4. This Accusation is brought before the Board of Registered Nursing (Board), Department of
4 Consumer Affairs, under the authority of the following laws. All section references are to the
5 Business and Professions Code unless otherwise indicated.

6 5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
7 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
8 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
9 Nursing Practice Act.

10 6. Section 2761 of the Code states:

11 "The board may take disciplinary action against a certified or licensed nurse or deny an
12 application for a certificate or license for any of the following:

13 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

14 ...

15 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
16 functions, and duties of a registered nurse, in which event the record of the conviction shall be
17 conclusive evidence thereof.

18 ..."

19 7. Section 2762 of the Code states:

20 "In addition to other acts constituting unprofessional conduct within the meaning of this
21 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
22 chapter to do any of the following:

23 ...

24 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
25 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
26 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
27 himself or herself, any other person, or the public or to the extent that such use impairs his or her
28 ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

17

8. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

9. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

10. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(CRIMINAL CONVICTION)

12. Respondent is subject to disciplinary action under sections 2761(f), 2762(b), 2762(c), and/or 490 in that on or about December 10, 2008, in a criminal proceeding entitled *The People of the State of California v. Gretchen Kay Knowles*, in Monterey County Superior Court, Case Number MS270426A, Respondent was convicted by her plea of nolo contendere of violating Vehicle Code section 23152(b) (driving with blood alcohol level of .08% or more). Respondent

1 was sentenced to serve ten days in jail, five years probation, ordered to enroll in a First Offender
2 Alcohol Program, and ordered to pay fines in the amount of \$1,790.00. The circumstances of the
3 conviction are that on October 1, 2008, Respondent was arrested after causing a collision with a
4 parked car in the Embassy Suites parking lot in Seaside, California. Respondent's blood alcohol
5 level was .27%; she had a bottle of vodka on the driver's seat and a to-go cup one quarter full of
6 vodka in the vehicle.

7
8 PRAYER

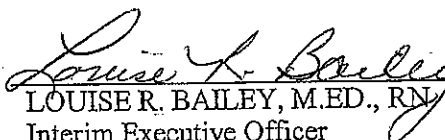
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse license Number 390767, issued to
12 Gretchen Kay Knowles.

13 2. Ordering Gretchen Kay Knowles to pay the Board of Registered Nursing the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;

16 3. Taking such other and further action as deemed necessary and proper.
17
18

19 DATED: 5/17/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

20
21
22
23
24 SF2010200590
25
26
27
28